

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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MICHAEL CHAMP,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:20-cv-01238
	:	
USAA CASUALTY INSURANCE	:	
COMPANY,	:	
Defendant.	:	

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**ORDER**

**AND NOW**, this 7th day of April, 2020, upon consideration of USAA's partial motion to dismiss and motion to strike, ECF No. 5, and for the reasons set forth in the Opinion issued this date, **IT IS HEREBY ORDERED THAT:**

1. USAA's partial motion to dismiss and motion to strike, ECF No. 5, is **GRANTED in part and DENIED in part** as follows:
  - a. USAA's partial motion to dismiss is **GRANTED**. Champ's bad faith claim is dismissed without prejudice, while his request for attorney's fees is dismissed with prejudice as amendment would be futile.
  - b. USAA's motion to strike is **DENIED**.
2. Champ shall have **thirty days**, until **May 7, 2020**, to amend his complaint in accordance with this Order and Opinion.
3. If Champ fails to file an amended complaint, the case will proceed on Count One, only, of the Complaint.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Court